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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,990	12/06/2002	Robert D. Newman	33104	5249
23589	7590	02/10/2005	EXAMINER	
HOVEY WILLIAMS LLP 2405 GRAND BLVD., SUITE 400 KANSAS CITY, MO 64108			BAHTA, ABRAHAM	
			ART UNIT	PAPER NUMBER
			1775	
DATE MAILED: 02/10/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/065,990

Applicant(s)

NEWMAN ET AL.

Examiner

Abraham Bahta

Art Unit

1775

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>04/11/03</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams (USP 5,495,635) in view of Balint et al (USP 4,424,603).

Williams teaches applicants' claimed invention. See col. 3, lines 32-48. Williams '635 does not require unparallel paint pad or paint applicator; however, Balint teaches an edging device for a pint tool comprising a paint applicator having a trapezoidal configuration. See col. 2, lines 26-28.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed a paint applicator having unparallel or trapezoidal edges so that the applicator may be utilized to paint a surface having non-parallel edges.

Claim 2: Williams teaches the device may comprise a base and a paint pad secured to the base. See col. 2, line 61.

Claim 3: Williams teaches the paint pad may be a foam pad. See col. 3, lines 49-55.

Claim 4: As shown in figures 1-3, the pad is generally rectangular and the edges are coplanar and perpendicular and the pad is coextensive with the base.

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Claim 5: The device of Williams includes an edging guide (rotatable wheel), which is supported on the base. See col. 2, lines 63-67.

Claims 6-15: Williams teaches the limitation of claims 6-12. See col. 2, lines 63-67, col. 3, lines 32-48 and figures 1-3.

Claim 16: Williams does not require a handle pivotally connected to the base; however, Balint teaches the handle may be pivotally connected to the base. See col. 2, lines 22-24.

Claim 17: As shown in figure 1, the base is rectangular and the base is positioned between the paint pad and handle assembly.

Claim 18: Williams does not require a 180-degree pivot; however, Balint teaches the pivot movement of the handle may be controlled. See col. 3, lines 1-3. It would have been obvious to one of ordinary skill in the art to provide the device of Williams a handle that pivots the desired degree as taught by Balint.

Claim 19: Williams teaches an extension pole may be provided to the handle. See col. 3, lines 9-12.

***Claim Rejections - 35 USC § 103***

Claims 20-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams '635 in view of Balint '603.

As discussed above Williams teaches applicant's claimed invention except unparallel edges. Balint teaches an edging device for a paint tool comprising a paint applicator having a trapezoidal configuration. See col. 2, lines 26-28.

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed a paint applicator having unparallel or trapezoidal edges so that the applicator may be utilized to paint a surface having non-parallel edges.

Claim 21: Williams teaches the device may comprise a base and a paint pad secured to the base. See col. 2, line 61.

Claim 22: As shown in figures 1-3, the pad is generally rectangular and the edges are coplanar and perpendicular and the pad is coextensive with the base.

Claim 23: The device of Williams includes an edging guide (four rotatable wheel), which is supported on the base. See col. 2, lines 63-67.

Claims 24-28: Williams teaches the limitation of claims 6-12. See col. 2, lines 63-67, col. 3, lines 32-48 and figures 1-3.

Claim 29: Williams does not require a handle pivotally connected to the base; however, Balint teaches the handle may be pivotally connected to the base. See col. 2, lines 22-24.

Claim 30: As shown in figure 1, the base is rectangular and the base is positioned between the paint pad and handle assembly.

Claim 31: Williams does not require a 180-degree pivot; however, Balint teaches the pivot movement of the handle may be controlled. See col. 3, lines 1-3. It would have been obvious to one of ordinary skill in the art to provide the device of Williams a handle that pivots the desired degree as taught by Balint.


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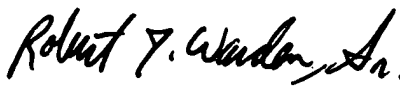
Claim 32 Williams teaches an extension pole may be provided to the handle. See col. 3, lines 9-12.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abraham Bahta whose telephone number is (571) 272-1352. The examiner can normally be reached on Monday - Friday; 11:30 am - 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Jones can be reached on (571) 272-1535. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
A. Bahta  
02/04/05

  
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SUPERVISORY PATENT EXAMINER  
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